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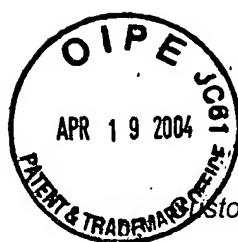
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APR 19 2004

Customer No. 26308

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Nelson et al.

Group No.: 3743

Serial No.: 10/718,254

Examiner: Unknown

Filed: 20 November 2003

For: Devices, Systems and Methods to Fixate Tissue Within the Regions of the Body, Such as the Pharyngeal Conduit

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT BY ATTORNEY THAT APPLICATION FILED IN PTO IS THE
ONE INVENTOR(S) EXECUTED BY SIGNING DECLARATION**

I, Daniel D. Ryan, Registration No. 29,243, of RYAN KROMHOLZ & MANION (Customer No. 26308), S.C., P.O. Box 26618, Milwaukee, Wisconsin 53226-0618, {(262) 783-1300} state I am an attorney for this application and the application identified above is the application which the inventor(s) executed by signing the declaration which is being submitted herewith.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed as follows: Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Date 15 April 2004

By Linda S. Wenzel

Linda S. Wenzel
(Typed Name of Person Signing Paper)

COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: *(check one applicable item below)*

original
 supplemental

Type of Application: *(check one applicable item below)*

original
 design

NOTE: *If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.*

national stage of PCT

NOTE: *If one of the following items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.*

divisional
 continuation
 continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: *If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION
Devices, Systems and Methods to Fixate Tissue Within the Regions
of the Body, Such as the Pharyngeal Conduit

SPECIFICATION IDENTIFICATION

the specification of which: *(complete (a), (b) or (c))*

(a) is attached hereto.
 (b) was filed on 20 November 2003 as Serial No. 10/718,254
 or Express Mail No., as Serial No. not yet known _____
 and was amended on _____ (if applicable).

NOTE: *Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.*

(c) was described and claimed in PCT International Application No. _____
 filed on _____ and as amended under PCT Article 19 on _____ (if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. § 119)

A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(d) no such applications have been filed.
(e) such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>

B. CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) (35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application No.
60/441,639
60/456,164

Filing Date
22 January 2003
20 March 2003

CLAIM FOR BENEFIT OF EARLIER US and/or PCT APPLICATION(S) UNDER 35 U.S.C. § 120

The claim for the benefit of any such applications are set forth in the attached ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR US PRIORITY CLAIM

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. S 120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Daniel D. Ryan (29,243)
John M. Manion (38,957)
Arnold J. Ericsen (16,879)
Patricia A. Limbach (50,295)

Joseph A. Kromholz (34,204)
Daniel R. Johnson (46,204)
Laura A. Dable (46,436)
Patrick J. Fleis (55,185)

Customer No.: 26308

[] Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO

Daniel D. Ryan
RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226-0618

DIRECT TELEPHONE CALLS TO:



Daniel D. Ryan
PHONE CALLS
(262) 783 - 1300

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

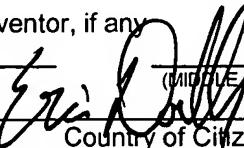
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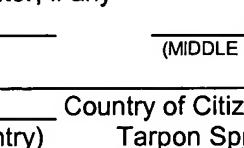
Full name of sole or first inventor

Lionel M. Nelson
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature 
Date APRIL 15, 2004 Country of Citizenship US
Residence (City, State/Country) Los Altos, California / US
Post Office Address 27261 Black Mountain Road
Los Altos, CA 94022-4232

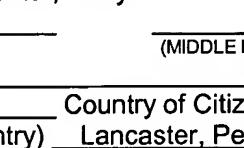
Full name of second joint inventor, if any

Eric N. Doelling
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature 
Date 4/14/04 Country of Citizenship US
Residence (City, State/Country) Sunnyvale, California / US
Post Office Address 718 Jura Way
Sunnyvale, CA 94087

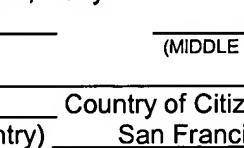
Full name of third joint inventor, if any

Ronald G. Lax
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature 
Date Country of Citizenship US
Residence (City, State/Country) Tarpon Springs, Florida / US
Post Office Address 2103 Alexis Court
Tarpon Springs, FL 34689

Full name of fourth joint inventor, if any

Jinfang Liu
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature 
Date Country of Citizenship US
Residence (City, State/Country) Lancaster, Pennsylvania / US
Post Office Address 764 Oxford Road
Lancaster, PA 17601

Full name of fifth joint inventor, if any

Ryan P. Boucher
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature 
Date Country of Citizenship US
Residence (City, State/Country) San Francisco, California / US
Post Office Address 1424 Clay Street
San Francisco, CA 94109

SIGNATURE(S)

APR 19 2004 NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

Lionel _____
(GIVEN NAME)M. _____
(MIDDLE INITIAL OR NAME)Nelson _____
FAMILY (OR LAST NAME)

Inventor's signature _____

Date _____ Country of Citizenship US _____

Residence (City, State/Country) Los Altos, California / US _____

Post Office Address 27261 Black Mountain Road _____

Los Altos, CA 94022-4232 _____

[REDACTED]

Full name of second joint inventor, if any

Eric _____
(GIVEN NAME)N. _____
(MIDDLE INITIAL OR NAME)Doelling _____
FAMILY (OR LAST NAME)

Inventor's signature _____

Date _____ Country of Citizenship US _____

Residence (City, State/Country) Sunnyvale, California / US _____

Post Office Address 718 Jura Way _____

Sunnyvale, CA 94087 _____

[REDACTED]

Full name of third joint inventor, if any

Ronald _____
(GIVEN NAME)G. _____
(MIDDLE INITIAL OR NAME)Lax _____
FAMILY (OR LAST NAME)

Inventor's signature _____

Date 4/14/04 Country of Citizenship US _____

Residence (City, State/Country) Tarpon Springs, Florida / US _____

Post Office Address 2103 Alexis Court _____

Tarpon Springs, FL 34689 _____

[REDACTED]

Full name of fourth joint inventor, if any

Jinfang _____
(GIVEN NAME)

(MIDDLE INITIAL OR NAME)

Liu _____
FAMILY (OR LAST NAME)

Inventor's signature _____

Date _____ Country of Citizenship US _____

Residence (City, State/Country) Lancaster, Pennsylvania / US _____

Post Office Address 764 Oxford Road _____

Lancaster, PA 17601 _____

[REDACTED]

Full name of fifth joint inventor, if any

Ryan _____
(GIVEN NAME)P. _____
(MIDDLE INITIAL OR NAME)Boucher _____
FAMILY (OR LAST NAME)

Inventor's signature _____

Date _____ Country of Citizenship US _____

Residence (City, State/Country) San Francisco, California / US _____

Post Office Address 1424 Clay Street _____

San Francisco, CA 94109 _____

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

Lionel
(GIVEN NAME)M.
(MIDDLE INITIAL OR NAME)Nelson
FAMILY (OR LAST NAME)

Inventor's signature

Date _____ Country of Citizenship US
Residence (City, State/Country) Los Altos, California / US
Post Office Address 27261 Black Mountain Road
Los Altos, CA 94022-4232

Full name of second joint inventor, if any

Eric
(GIVEN NAME)N.
(MIDDLE INITIAL OR NAME)Doelling
FAMILY (OR LAST NAME)

Inventor's signature

Date _____ Country of Citizenship US
Residence (City, State/Country) Sunnyvale, California / US
Post Office Address 718 Jura Way
Sunnyvale, CA 94087

Full name of third joint inventor, if any

Ronald
(GIVEN NAME)G.
(MIDDLE INITIAL OR NAME)Lax
FAMILY (OR LAST NAME)

Inventor's signature

Date _____ Country of Citizenship US
Residence (City, State/Country) Tarpon Springs, Florida / US
Post Office Address 2103 Alexis Court
Tarpon Springs, FL 34689

Full name of fourth joint inventor, if any

Jinfang
(GIVEN NAME)

(MIDDLE INITIAL OR NAME)

Liu
FAMILY (OR LAST NAME)

Inventor's signature

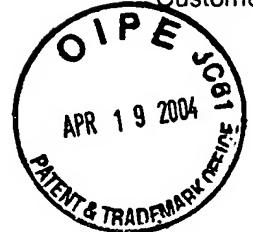
Date 4/10/2004 Country of Citizenship US China
Residence (City, State/Country) Lancaster, Pennsylvania / US
Post Office Address 764 Oxford Road
Lancaster, PA 17601

Full name of fifth joint inventor, if any

Ryan
(GIVEN NAME)P.
(MIDDLE INITIAL OR NAME)Boucher
FAMILY (OR LAST NAME)

Inventor's signature

Date _____ Country of Citizenship US
Residence (City, State/Country) San Francisco, California / US
Post Office Address 1424 Clay Street
San Francisco, CA 94109



**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY
FOR US PRIORITY CLAIM**

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

I hereby claim the benefit under Title 35, United States Code, S 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, S 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:**

Status
(CHECK ONE)

U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
1. <u>10/656,861</u>	6 September 2003			
2. <u>10/236,455</u>	6 September 2002			
3. _____				
4. _____				

PCT APPLICATIONS DESIGNATING THE U.S.

PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)
5. _____		
6. _____		
7. _____		

35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS

**DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY APPLICATION
CLAIMED UNDER 35 USC 119**

Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)
1. _____			
2. _____			
3. _____			
4. _____			
5. _____			
6. _____			



SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

Lionel (GIVEN NAME)	M. (MIDDLE INITIAL OR NAME)	Nelson FAMILY (OR LAST NAME)
Inventor's signature		
Date	Country of Citizenship US	
Residence (City, State/Country)	Los Altos, California / US	
Post Office Address	27261 Black Mountain Road Los Altos, CA 94022-4232	

Full name of second joint inventor, if any

Eric (GIVEN NAME)	N. (MIDDLE INITIAL OR NAME)	Doelling FAMILY (OR LAST NAME)
Inventor's signature		
Date	Country of Citizenship US	
Residence (City, State/Country)	Sunnyvale, California / US	
Post Office Address	718 Jura Way Sunnyvale, CA 94087	

Full name of third joint inventor, if any

Ronald (GIVEN NAME)	G. (MIDDLE INITIAL OR NAME)	Lax FAMILY (OR LAST NAME)
Inventor's signature		
Date	Country of Citizenship US	
Residence (City, State/Country)	Tampa Springs, Florida / US	
Post Office Address	2103 Alexis Court Tampa Springs, FL 34689	

Full name of fourth joint inventor, if any

Jinfang (GIVEN NAME)	(MIDDLE INITIAL OR NAME)	Liu FAMILY (OR LAST NAME)
Inventor's signature		
Date	Country of Citizenship US	
Residence (City, State/Country)	Lancaster, Pennsylvania / US	
Post Office Address	764 Oxford Road Lancaster, PA 17601	

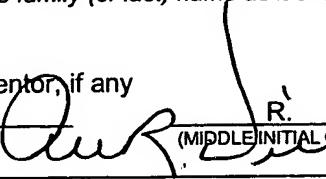
Full name of fifth joint inventor, if any

Ryan (GIVEN NAME)	P. (MIDDLE INITIAL OR NAME)	Boucher FAMILY (OR LAST NAME)
Inventor's signature		
Date	Country of Citizenship US	
Residence (City, State/Country)	San Francisco, California / US	
Post Office Address	1424 Clay Street San Francisco, CA 94109	

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sixth joint inventor, if any

Allan	R.	Will
(GIVEN NAME)	(MIDDLE INITIAL OR NAME)	FAMILY (OR LAST NAME)
Inventor's signature		
Date 4/12/04	Country of Citizenship US	
Residence Atherton, California / US		
Post Office Address 23 Belbrook Way		
Atherton, CA 94027		

Full name of seventh joint inventor, if any

(GIVEN NAME)	(MIDDLE INITIAL OR NAME)	FAMILY (OR LAST NAME)
Inventor's signature		
Date	Country of Citizenship	
Residence		
Post Office Address		

Full name of eighth joint inventor, if any

(GIVEN NAME)	(MIDDLE INITIAL OR NAME)	FAMILY (OR LAST NAME)
Inventor's signature		
Date	Country of Citizenship	
Residence		
Post Office Address		